

Special Education and ESL – Myths and Facts
Questions / Answers / Comments September and October 2007 WebEx Events

- 1) **Question:** How long does a student have to live in the country before we can consider the distinction – that is, whether the student is having learning difficulties due to a lack of language or if it is due to a disability?

Answer: You need to be sure that the student is not in the “silent phase.” Usually the beginning newcomer goes through a phase which lasts from 6 weeks to 6 months during which s/he does not produce or speak language. S/he is active in receptively receiving data from classes, but limited output may cause the educator and other class members to believe the student does not understand anything. This may not be the case. As professional educators, we need to be sure that the child is not being tested for Special Education if s/he is in the receptive (silent) phase of language acquisition for English.

- 2) **Question:** Did you say the ESL teacher should refer English language learners for a special education evaluation?

Answer: Anyone may make the referral. Most often; however, the ESL teacher is more able to determine if the student is progressing in language acquisition at a rate expected for the student at his or her age level and the time spent in English instruction.

- 3) **Question:** If a child shows non-proficient in the English language test – can we rule that out as a primary cause of the disability?

Answer: When the child has a problem with language and has been in the United States for at least a year and is not making some progress, we cannot rule out the problem as being due to non-proficiency in English.

- 4) **Question:** If a county does not have a Spanish speaking psychologist to administer an evaluation, is there a person that the state department can recommend for assessments?

Answer: I'm sorry that we do not have this capability. You might try local universities for referrals. Additional information which provides guidance for the use of translators when evaluating English Language Learners is located on the Special Education website at <http://state.tn.us/education/speced/seguidebooks.shtml> in Appendix D of the *Special Education Manual* – Assessment Guidelines for English Language Learners. Information that is useful when considering a referral of English language learners to special education is located at <http://state.tn.us/education/speced/seassessment.shtml#DISABILITY> and is entitled ELL/Dialect Packet.

- 5) **Question:** We are an English only state. We do not test any students on the Tennessee Comprehensive Assessment Program (TCAP) or the English Language Development Assessment (ELDA) in Spanish. Is that not in violation of the 1985 English Only State Law?

Answer: It is not a violation to provide native language tests for Special Education purposes. Native language assessment is a useful tool. At the same time, that is not the only cognitive testing modality. School psychologists have access to a wide range of assessment instruments that are appropriate for different student populations, including nonverbal tests of intelligence.

- 6) **Question:** Our system's psychologists do use nonverbal cognitive tests. It is the achievement tests that are not nonverbal and the scores from these tests are usually very low.

Answer: Assessment of achievement is only in English.

- 7) **Question:** Can a student who is an English language learner receive services in Special Education with a disability of Language Impairment?

Answer: Yes, however it is more difficult to determine if the student has a language impairment because the 'lack of English proficiency' must be ruled out as the primary reason for the student's disability.

- 8) **Question:** For children, ages 3-5, who are newly adopted and who may not really have a primary language established, how long do we wait to give them exposure before testing for a language disability?

Answer: You would want to wait for 6 to 9 months unless there is an obvious disability such as deafness, Down's syndrome, blindness, etc.

- 9) **Question:** What tests or instruments should we use to assess the child's academic achievement?

Answer: You have data from the TCAP Assessments. Other achievement measures are determined by the school psychologist and other members of the IEP/Assessment Team.

- 10) **Question:** Would a RTI model of interventions that lasts for 12 weeks apply when considering referrals for learning disabilities with English language learners?

Answer: If there is a chance the child is in the "silent" phase, 12 weeks of interventions is not long enough. However, if the child has been in U.S. schools for at least a year, you could look at RTI interventions for 12 weeks. In this case, you might possibly consider any improvement as a positive response. In that case, you would monitor the student's response to intervention for a few more weeks before deciding whether or not to go forward with a referral and evaluation for special education eligibility.

- 11) **Question:** If language acquisition is the learning disability, would they not need to go through the RTI process?

Answer: If your district is using the RTI process, you should consider using it with your ESL students. The distinction would be to determine if the child is in the "silent period," and if so, to allow a longer time for the response to intervention to show improvement in language.

- 12) **Question:** We are having a hard time feeling secure in our Language Impairment assessment instruments. Is there a testing tool that the State could recommend over another for us to use when testing ELL students for special education? We not only use the testing tools from special education, we also incorporate ELDA scores, class work, observations, and the time ELL students have been in the US school systems.

Answer: If you are using the Response to Intervention System, you need to give the child time to respond. I would think at least 3 months. If you see positive academic growth, then delay the testing. We do not want to test children for Special Ed. if they are merely having language acquisition problems. If you have access to tests in the student's native language and you have an administrator you trust, you might also consider that. The most appropriate cognitive (intelligence) assessment for an English language learner is a non-

verbal test. There are several instruments available, including the C-TONI (Comprehensive Test of Nonverbal Intelligence), UNIT (Universal Non-verbal Intelligence Test), or the Das-Naglieri Cognitive Assessment System. Achievement assessment for reading or language is more difficult since you must evaluate the student's English reading, writing, or language skills (that is, these skills cannot be assessed in the student's native language). Mathematics computation, fluency, and problem-solving can be assessed in the child's native language as the test instructions or the word problem to be solved do not interfere with the skill (mathematics) being measured.

13) Question: When we get permission to test and are on the 40 day timeline, can we get an extension if we are having difficulty getting information from the parent and finding an appropriate test?

Answer: You need to consider these questions before asking permission to test and entering the 40 day timeline. If the evaluation has been initiated and there is a reasonable need to additional time for the assessment, an Evaluation Timeline Waiver request can be downloaded from the web at <http://state.tn.us/education/speced/seassessment.shtml> and submitted to the Division of Special Education for approval.

14) Question: If a kindergartner's family does not speak English, even though s/he was born in the U.S., isn't it true that this child may also experience a silent period? Perhaps testing should also be delayed for this person.

Answer: The silent period will likely apply to any child who is in a new language environment. So, if s/he has been in a home where only Arabic is spoken and suddenly is thrust into an English classroom, s/he will likely experience a silent period. We need to take care to give the child the benefit of respecting this receptive period.

15) Question: If a child is receiving special education services and has made no progress in his/her ESL services after three years of service, is it time at the IEP meeting to exit services for ESL?

Answer: This should be determined by the student's IEP Team on an individual basis. Students are served through their IEPs and the team needs to make this determination for active service. Even if the child is not receiving active ESL services, the IEP Team should receive input for the student's Individual Education Program from the ESL teacher. Unless a child can score a composite 4 or 5 on the ELDA, s/he is not eligible for exit.

16) Question: Often the families only speak the Native language in the home. Some kindergartners will have had very little exposure to English.

Answer: True – we need to anticipate this child might experience the “silent period.”

17) Question: If a student comes to us with documentation of a disability and services in special education from another country, should that wait period be observed?

Answer: No. If for some reason, your school district and/or employees do not trust this documentation, the child may be reevaluated.

18) Question: Sometimes students will move into the district without documentation of disability, but the parents report services in special education existed in the home country schooling. How should we proceed in this situation?

Answer: This should be included in the anecdotal information at the “S” team meeting. Anecdotal information needs to be backed by observation and testing.

19) Question: Regarding ESL student school experience, it is wise to check attendance because some ESL students are "enrolled" but have not attended in other parts of the country.

Answer: This is a great idea if possible. We often have difficulty getting information from other countries. If we get verbal confirmation from the prior school, we should implement services. Then if testing is needed, we can follow up with testing. The McKinley legislation requires us to provide services to all children, even when there is no paperwork.

20) Question: If there is a second language spoken in the home indicated on the Home Language Survey and the child does not speak the second language, is this child identified as an English language learner?

Answer: Probably not.

21) Question: I have an ESL student with learning disabilities who is a fluent English speaker but cannot pass the exiting tests for the ELDA. This student has been receiving ESL services for 6 years and will probably never pass the exit exams. What should be done in this case?

Answer: The child will not exit ESL status, however services can be provided through the IEP. The ESL professional on the IEP team needs to determine with the team the most appropriate services for this child. S/he will be eligible to return to ESL class at anytime if warranted. The student's English learning services are based on the expertise and recommendations of the ESL teacher.

22) Question: I have been told in the past that we need to reference the Home Language Survey for the student's background information. After I call the parents, I have found that after talking with the student's parents, many of the students' problems are not due to the students truly being English Language Learners.

Answer: If there are *many* problems, the district needs to take a closer look at the intake procedure.

23) Question: Should we administer the ELDA to students who are in special education and are assessed with the TCAP-Alt Portfolio Assessment?

Answer: At this point, we do not have a language assessment that is appropriate for students who are evaluated with a portfolio.

24) Question: I have been a speech therapist for 24 years and it is difficult to determine when an ELL child has an articulation problem. Usually the problem is not detected until s/he begins to speak English and can be understood by teachers.

Answer: This is not easy. There are guides that list difficult sounds for different native languages. The ELL/Dialect Packet referenced earlier is helpful in making many of these determinations. Some articulation problems, such as a lisp or fluency (stuttering), are evident.

25) Question: I have the same situation. I have an ELL student who has low IQ and adaptive behavior scores and is eligible for special education as an MR student. He will never be able to test out with the ELDA. We need to address the problem of special education students who cannot pass the ELDA. How long do we provide services before we can determine that language is not the problem and proficiency based on the test cannot be

obtained? We need to address the problem of special education students not being able to ever pass the ELDA or whatever test is being given to determine proficiency.

Answer: Services need to be determined through the IEP team. It is preferable to take this on a case by case basis and not have a blanket policy.

26) Question: Can the student be evaluated for special education after s/he has entered school, has been present for 6 to 9 months, and has passed the silent period?

Answer: Yes. It is best to wait until the student is beginning to participate in class.

27) Question: So – you cannot deny services because of federal legislation paperwork (especially as it relates to migrant and homeless kids)?

Answer: True.

28) Question: What are the expectations for ESL teachers serving pre-school students? What do we use as a screening device? Should they be counted on our census?

Answer: Currently, we do not serve preschool students with ESL services. They may be counted on your census, but this is a district decision. The State does not recommend any specific screening device. At this point, it is your district's decision.

29) Question: As an ESL teacher, how would you respond to, "Oh we are afraid that we are over-identifying ELL students for special education. Won't we get in trouble with disproportionality?"

Answer: Currently, Tennessee is under-identifying ELL students for special education. In the regular population, about 10% to 12% of all students are eligible and receiving special education services. In the ESL population, we are identifying about between 4% and 6% of the ELL students with disabilities.

30) Question: Did you say that if the IEP team determines that the child is no longer benefiting from ESL services the services can be terminated and that child will no longer be on the books as ESL?

Answer: No. The child will still be ESL and will receive services through recommendations to the IEP. The child may be pulled back into active ESL service at anytime. For students who have not exited or waived service, ESL services are never terminated.

31) Question: If it is decided in an IEP meeting that a special education ELL student does not benefit from ESL services, how do we classify that student? Does the student continue to be ELL, or NELB?

Answer: The student is still served by ESL through advising the IEP Team in regards to language acquisition. If the student waives services, s/he is NELB.

32) Question: Can ESL parents request testing if the child has always been in the United States and is now in 5th grade?

Answer: Parents can request anything reasonable.

33) Question: If we put these Special Education/ ELL students on consultation, would we administer the ELDA on an annual basis?

Answer: If possible, yes. Students receiving special education services cannot be denied anything available to other students, including testing.

34) Question: What 4 domains are you referencing?

Answer: Reading, writing, listening, and speaking.

35) Question: Knowing it takes as many as 3 years to develop basic interpersonal communication skills and 5 to 7 years to develop cognitive academic language proficiency skills, how can we justify the 6 to 9 month wait period?

Answer: Fluency and disability are dissimilar. If you wait for 3 years to serve a child who needed special education services, you have effectively denied this child the education s/he deserved. In fact, you may have denied access to education.

36) Question: If a student goes on consultation what happens?

Answer: The ESL professional provides language acquisition advice to the IEP process.

37) Question: How would you code an ELL student within EIS or a student management system who is "on consultation" for ELL services?

Answer: ELL

38) Question: An incoming kindergartner does not speak Spanish, nor do her parents, but there is a Spanish-speaking grandparent in the home. The student tested into ESL. How can we determine if this is a "false-positive" and the child really has learning disabilities in English?

Answer: Is there a deficiency in Spanish also? The parents could probably tell you. Sometimes the parents are not the child's primary caregiver. The child could have Spanish as an L1 and be having problems with English as the L2. Or the L1 could be English, but the L2 is dominant.

39) Question: It is disturbing that these children are still being counted for AYP as an ELL subgroup.

Answer: Classification is difficult because these situations are not clear cut.

40) Question: Are the terms "Pre-K" and "Preschool" being used interchangeably?

Answer: Yes.

41) Question: We have been asked to list pre-kindergarten children who are English language learners on previous Child Counts. If there is no screening device and we are not to serve these children, how are we to determine legally if that pre-kindergarten child is an English language learner and should be placed on that Child Count?

Answer: At this point, this is a district decision.

42) Question: If a student has been served in ESL for over 5 years and is still functioning at a beginning to intermediate level; is it not time to release them? They are not receiving special education services.

Answer: Not necessarily. We cannot exit them, nor can we suggest that the parent give up the child's civil rights to ESL service.

43) Question: Then aren't they on a "dead-end track"?

Answer: NCLB does not accept the concept of a "dead-end track." It would be the responsibility of the district to see that the child is not left behind.

44) Question: I have understood that there is a delay in language and academic development as a result of the language acquisition and the silent period. I am afraid if RTI (which is largely English-based) is used to determine disabilities, the child will still struggle and not demonstrate growth.

Answer: This is possible. However, we can minimize this risk by beginning the RTI process after the silent period is over and then watching for growth versus fossilization.

45) Question: Doesn't ELDA give us the flexibility to test IEP students with the accommodations for ELDA the same as used for TCAP?

Answer: No – there are a few accommodations for the ELDA, e.g., Braille, writing for students who cannot write.

46) Question: Where do we document that a student with severe Mental Retardation would not benefit from taking the ELDA? On the IEP? In the Eligibility Report?

Answer: On the IEP.

47) Question: My psychologists say that the Special Education Manual contradicts some of the ELL guidance.

Answer: That is possible, since information in the Special Education Manual is specifically targeted to provide guidance for the appropriate assessment for ELL students who may have a disability. If you find discrepancies, please send them to us in writing, so that we might address it at the State.

48) Question: How would an IEP team rule out insufficient teaching if a child has moved several times within a short timeframe (within two years)?

Answer: The rule-out for insufficient teaching is difficult with any student who moves frequently within a short timeframe. The best method to ensure the student has received 'sufficient' teaching is through the responsiveness to intervention (RTI) instructional model. Through RTI the student receives appropriate, scientifically-validated instruction for academic areas of deficiency which is monitored for progress. Therefore, the student has been provided with appropriate instruction when progress is not sufficient and the decision to refer for evaluation is made.

49) Question: In some cultures, special education is not dealt with as openly or proactively as in the United States. What recommendations do you have for counseling resistant parents into understanding how special education services may be a viable option?

Answer: We need to be honest and talk about how our culture believes that many children need help to better navigate the educational system. I believe positive phrasing and attitude are essential.

50) Question: Can we specify and address ESL services on the new IEP? Apparently during an audit a special education teacher was told not to put ESL issues in the IEP.

Answer: No, the ESL professional is an integral part of the IEP Team and should be able to provide instructional goals and recommendations pertinent to the student's IEP and special

education services. Those services provided by the ESL teacher, however, are not a part of the IEP and are not provided by special education personnel.

51) Question: On the EIS report, how do we code a student who has English listed on the Home Language Survey as the first language, but has that second language influence in the home and has qualified for ESL services?

Answer: I would always code for the foreign (non-English) language.

52) Question: The word "special" bothers some of the cultures – educating them in the programs and stressing confidentiality helps.

Answer: Agreed.

53) Question: Does the State provide training opportunities for a new ESL coordinator in a school system?

Answer: At this time there is nothing specific. We are here for technical support and to answer questions.

54) Question: Would ESL go under direct or related services on the IEP?

Answer: ESL is not a special education service and is not listed as a direct or related service on the IEP. Notes taken at the IEP Team meeting should reflect the student's ESL status. Additionally, the IEP Team addresses all state and local assessments required for the student. The IEP Team must consider all appropriate Special and ELL Accommodations and determine those accommodations that are appropriate for students who receive both ESL and special education services.

55) Question: The students I am referencing have no language – so, where do we document that they cannot benefit from the ELDA?

Answer: If the IEP team makes this determination, we would put it in the IEP.

56) Question: What suggestions can you give us for addressing United States parents who have adopted children from other countries and want their children to be signed up for as many support services possible? How do we address the need for the three-year-old child to learn a new language – and – not include the silent period?

Answer: I think we need to be honest about the process of language acquisition. We do not currently serve children who are not enrolled in kindergarten.

57) Question: Where in the IEP do you document accommodations for the ELDA?

Answer: There are few accommodations with ELDA, e.g., Braille, writing for students who cannot write. Documentation of those accommodations for students with an IEP can be written in on the portion of the IEP that addresses state assessments or included in the IEP meeting notes.

58) Question: If ESL is documented as a related service, do we document the time served by the ESL teacher?

Answer: As noted in earlier question, ESL is not a special education service, direct or related.

59) Question: I have two autistic ELL students. What data can the ELDA give me if they can barely speak, let alone read and write in any language?

Answer: Your data will be very limited; however, it may provide a baseline that could show improvement over time. This is the reason we collect both formative and summative assessment data.

60) Question: From a K-8 ESL teacher: Can a bilingual assistant help with special education testing for a child who is not even socially fluent in English?

Answer: Possibly – using a bilingual assistant brings its own problems, however. If the child is not socially fluent in English (has some BICS) then perhaps this is not the time to test the student.

61) Question: From a K-5 ESL teacher: Should an ESL student be given even more modifications in the special education class than a non-ESL student with the same disability?

Answer: Possibly. This needs to be determined on a case-by-case basis by the IEP Team.

62) Question: Where can we locate accommodations for students who are both English language learners and have an IEP?

Answer: All accommodations available for the Tennessee Comprehensive Assessment Program (TCAP) are located on the Special Education Assessment page of the web at <http://state.tn.us/education/speced/seassessment.shtml#TENNESSEE>. There are two documents, 2007-2008 TCAP Accommodations Instructions and 2007-2008 Accommodations Addenda to be used with each of the TCAP assessments. These documents describe the 1) Allowable Accommodations – available to all students, 2) Special Accommodations – available to students with an IEP, and 3) ELL Accommodations – available to ESL students.

63) Question: There are complications – for example, spelling. An ESL student goes to special education for help with spelling when the student is still struggling with words.

Answer: I would have concern with any ESL student being referred to special education solely due to spelling problems.

64) Question: What about using a picture dictionary during assessment?

Answer: That is possible if: 1) it is an allowable accommodation, and 2) the student has used it successfully prior to the test.

65) Question: Do ESL services appear on the IEP document?

Answer: No – not as a special education service. They may be noted, but are not recorded as either a direct or related special education service.

66) Question: You all mentioned that there are invaluable resources regarding alternate assessments for ELL students on the special education website. Where exactly is that located on the website?

Answer: Information for the Alternate Assessment or Portfolio Assessment, which is taken by students with significant cognitive and adaptive disabilities is located on the web at <http://state.tn.us/education/speced/seassessment.shtml#TENNESSEE> under the heading of “Alternate Assessment”.

67) Question: We have an ESL teacher who is on a waiver but is learning or I would go to that teacher for this question. Do you have any good resources to look at that provides information about how you can tell what stage of language acquisition the student is in? Can you guide us to some resources where we can learn what language acquisition stage the student is in?

Answer: I would suggest you look at guidance on the website for the Office of English Acquisition and the National Clearinghouse for English Language Acquisition.

68) Question: Can students can be tested out based on Gateway and TCAP scores?

Answer: No, the only way to exit ESL is with a composite score of 4 or 5 on the ELDA.

69) Question: I have a student that has received ESL Services for four years. He no longer seems to have problems with language, although there does seem to be a problem. Should I refer this student to special education myself or does one of his classroom teachers need to make this referral?

Answer: Anyone can make the referral. You make the determination for referral based on the perceived problem. If it is related to language acquisition, you might want to intervene and see what the response is to that intervention.

70) Question: On the ELDA test, what is considered passing so we can transition a student out of ESL services?

Answer: A student is eligible for exit if s/he has a composite score of 4 or 5 on the ELDA.

71) Question: I read with interest and some concerns your information about the evaluation of ELL students for possible special educational disabilities as reflected in the PowerPoint, *Myths and Facts: Special Education & ESL*, as well as in the posted questions and answers that resulted from the presentation of that PowerPoint. I think my concerns come down to 2 points.

The first concern relates to the level of language proficiency and who might be accepted for special education evaluation. You seem to be saying, at least when it comes to language proficiency considerations, that as long as the child is out of the silent period that the child is a good candidate for a special education evaluation (see answers to questions #1, 11, 26). On the other hand you do agree that it may not be possible to rule out limited English proficiency (see answers to question #2, 12). As you know, just beyond the Silent Stage is the Early Production Stage during which the child is giving yes/no responses and using one, two, or three word responses. This performance would equate with a speaking level of no higher than 2 on the ELDA. This seems to be a very low level at which to feel comfortable ruling out limited English proficiency. We have been requiring a speaking level of 5 on the ELDA.

The second point of concern is that the philosophy behind the answers seems to favor special education services over what I would see as adequate attempts through general education and ESL services (see answers to questions # 29, 35). This view seems to run counter to the Specific Learning Disabilities standard #2 requiring "evidence that prior to, or as part of, the referral process, the child was provided appropriate instruction in general education settings." I take that to mean that the child has to participate in both general education and ESL services for an adequate period that includes tracking the child's language acquisition (i.e. assessed via the ELDA). If the ELDA is not showing that sufficient levels of language acquisition have been attained, I would consider the need for more time for language acquisition, general education, and ESL services. Alternatively, disabilities of

mental retardation or language impairment may be considered. However, I would not be likely to suspect a specific learning disability in written expression, basic reading skills, reading fluency skills, reading comprehension, or mathematics problem solving unless the child had reached an adequate speaking level on the ELDA. Additionally, reference to Best Practices in School Psychology IV, chapter 82 by Samuel Ortiz on "Best practices in nondiscriminatory assessment" says that "Unless and until data suggest strongly to the contrary, the null hypothesis that an individual's problems are related to situational, not intrinsic variables, or that behavior or performance are normal and intact, must not be rejected." I take this to mean that situational variables such as the language acquisition process and its relationship to the learning process should be assumed to account for performance rather than intrinsic variables such as learning disabilities until there is strong data to the contrary. On the ELDA test, what is considered passing so we can transition a student out of ESL services?

Answer: I know very well how difficult it is to make this determination--is it 'language' or is it 'language' impairment when you are working with students who are not English-language proficient? I also agree with your thoughts on this. It would be extremely difficult to find an ELL student with a learning disability – UNLESS – that student had participated in an approved RTI process for identification of Specific Learning Disabilities where the ESL teacher is a primary provider of early intervening services for this identification. I just don't see how IQ/Achievement discrepancy can make this determination in a fair and equitable manner. Yes, you can use a non-verbal cognitive assessment to provide the student's intelligence score; however, if language-related skills have not been developed (basic reading, reading comprehension, reading fluency, written expression, listening comprehension, and oral expression), you cannot fairly assess the student's academic achievement. The only exception would be in the area of mathematic calculation, although I believe you'd have to rule out mathematics problem-solving for the same reason--the influence of language. As stated in your email, there are other disability categories that are more obvious--in addition to Mental Retardation and Language Impairment, the following disability categories should be obvious areas of possible disability: the sensory disabilities (Hearing, Deafness, Deaf-Blindness, Vision), Autism, Traumatic Brain Injury, Other Health Impairment, Developmental Delay--well, everything BUT SLDs in the language-related areas as outlined above. Thank you for your research and thoughts.

72) Question: I have had a question asked of me of which I need some assistance. Our ELL supervisor has asked me if an IEP Team can make the decision to exempt a student from taking the ELDA even though they have not made the ELDA cutoff score to be exited from the ELL Program. My first response was that we cannot exempt students from the assessment process and that we could only make decisions regarding needed accommodations. However, she has indicated that she has received some information that leads her to believe otherwise. Can you offer me any additional information regarding this issue and whether the IEP Team has the authority to make a decision such as this? If you cannot answer my question, can you redirect me to someone that can?

Answer: This is a quagmire in that the federal government says that a student cannot exit ESL without attaining proficiency on the English language proficiency assessment, which is the ELDA in Tennessee. A student who is receiving special education services might not ever be able to meet those criteria because of the student's disability.

Because Tennessee adheres to the IEP, our department has said that if the IEP says the child should not take the ELDA, s/he is not required to do so—that is with some qualifications. First, there is federal guidance that says that no child should be denied access to any assessment. This means that all students who are ESL with an IEP have the

right to the ELDA. If there is any benefit, and any reasonable way to provide assess to the child to take the ELDA, or parts of it, you should. If, however, this experience will in some way be detrimental to the child, Tennessee's Title III does allow the IEP Team to make the decision not to test. This does require clear documentation as to the reasons why the ELDA is inappropriate for the student in question. In other words, to say that you are not testing students who receive special education services with the ELDA because it is too time consuming or takes too much staff time is not a good justification for exemption from the test. To say that the testing is not valid because the child cannot read or write, makes more sense for the ELDA reading and writing portions. Even in this case, you might administer the speaking portion of the test. It is clearly the decision of the IEP Team to make this determination. In all situations, the special education student who has not yet passed the ELDA will continue to receive services for ESL students. The ESL teacher should be part of part of that IEP Team and provide needed input to ensure the student is getting the linguistic services that are needed.